IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 12153 of 2006
Date of decision 15 .9.2006

Dhiraj Singh Malik .. petitioner

Versus

State of Haryana and others .. Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR
HON'BLE MR. JUSTICE M.M.S. BEDI

PRESENT: Mr.RS Malik, Advocate for the petitioner
Mr. Harish Rathee, Sr. DAG Haryana.

M.M.Kumar, J.

This petition is directed against the relieving report dated 1.8.2006 (Annexure P.1) issued by respondent no.4 relieving the petitioner from the post of Principal Government Senior Secondary School, Model Town, Sonepat. According to the averments made by the petitioner he has been relieved as per oral orders issued by respondent no.2 on 31.7.2006 which was received by respondent no.4 on his Mobile No. 9416811265 stating that respondent no.4 has been transferred at the place of the petitioner. Accordingly respondent no. 4 submitted his joining report to take charge as Principal of the school in the after-noon. The case of the petitioner is that on 12.6.2006, he was transferred from Senior Secondary School Kalana to Govt. Senior Secondary School Panchi Jattan (Sonepat). He was further transferred on 22.6.2006 to Government Secondary School, Model Town, Sonepat. Respondent no.4 has joined as Principal on 1.8.2006 when the petitioner was on leave as per relieving order Annexure P.1. It was asserted by the petitioner that as per the record of respondent no.2 i.e. Director General Secondary Education, Haryana, he has not been transferred

from Government Senior Secondary School, Model Town, Sonepat.

In reply to the notice to show cause, respondent has filed their reply by taking the stand that the petitioner infact was under transfer from Government Senior Secondary School, Model Town, Sonepat to Government Senior Secondary School Panchi Jattan, Sonepat vide order dated 23.7.2006 ( Annexure R.1). It has further been pointed out that respondent no.4 infact has misused his official position and has relieved the petitioner in his absence without mentioning the order number or the date of his transfer. In other words, the manner of relieving has not been found to be in order.

Having heard the learned counsel for the parties at some length, we are of the view that the apprehension of the petitioner that there is no order passed by the Director General of Secondary Education, Haryana, respondent no.2 is unfounded. Infact, the petitioner has been under transfer by virtue of order dated 23.7.2006 ( Annexure R.1). The manner of relieving the petitioner was not in order and accordingly explanation of respondent no.4 in that regard has been sought. Therefore, we do not find any merit in this petition and the same is hereby dismissed.

**(M.M.Kumar)**
**Judge**

**(M.M.S.Bedi )**
**Judge**

**15.9.2006**
**okg**